HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.8497 of 1998

Dated 14th day of February, 2007

Between:

P. Lalitha Kumari
and another ..
Petitioners

And

The Revenue Divisional Officer-
cum-Land Acquisition Officer,
Madanapalle, Chittoor District
and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 2nd respondent in issuing Notification under Section 4(1) of the Land Acquisition Act (for brevity "the Act:") by way of publication in Andhra Prabha Daily dated 6.12.1997 indicating acquisition of various lands for the purpose of providing house-sites to weaker sections of Chinnithippa Samudram village, as arbitrary and illegal.

The brief facts of the case are that the petitioners are in possession of Ac.6.25 cents of land in S.Nos.1018/B, 1019 and 1020 situated in Chinnithippa Samudram village, Madanapalle Mandal, Chittoor District. Now, the petitioners' grievance is that the 2nd respondent, for the purpose of providing house-sites to 221 poor people of Chinnithippa Samudram village by dispossessing them from the land in question, issued Notification under Section 4(1) of the Act.

Heard the learned counsel for both the parties.

This Court, while ordering Rule Nisi granted stay of dispossession. Subsequently, the respondents filed a detailed counter denying all the averments of the affidavit filed in support of the writ petition.

According to the learned counsel for the petitioners, there is no proper publication of the notification under Section 4(1) of the Act, but this fact was denied in the counter. It is categorically stated that subsequent to the issuance of Notification, the same was published in two local news papers and it was also published locally by way of tom-tom. The second ground on which this writ petition is filed, is that the

petitioners are all landless poor person and no alternative lands are available. Even the Government denied this contention in the counter stating that the petitioners have their own lands and that apart except this land, no other land is available in the village for the purpose of providing house-sites to the weaker sections. The third ground urged by the petitioners is that in S.No.1019, their forefathers were buried and their tombs were constructed. This fact was admitted in the counter and it is categorically stated that the land covering an extent of Ac.00.05 cents is separated and excluded from the land acquisition proceedings for burial ground. In the counter, it is also mentioned that an award was passed on 15.3.1999 awarding an amount of Rs.6,43,521/- to the petitioners and the same was deposited.

For the foregoing reasons, this Court sees no merits in this writ petitioner and the same is accordingly dismissed. No costs.

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14.02.2007

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